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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,449	01/20/2004	Mark O. Olson	1579	3048

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KEY SAFETY SYSTEMS, INC.  
PATENT DEPARTMENT  
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STERLING HEIGHTS, MI 48314

EXAMINER
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DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/761,449	Applicant(s) OLSON, MARK O.	
	Examiner David Dunn	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

*HL*

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "34" has been used to designate both an inlet and an inflation zone in Figure 3 (It appears that the uppermost "34" at the inflation zone should be --35--). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the periphery". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites "a periphery"; it is unclear if this is the same "periphery" as recited in claim 1 or not.

Claim 8 recites the limitation "the lollipop". There is insufficient antecedent basis for this limitation in the claim. Additionally, it is unclear what is meant by "the lollipop". Similarly, see claim 12.

Claim 11 recites the limitation "the first set of joints". There is insufficient antecedent basis for this limitation in the claim. (The examiner recommends amending claim 10 to be dependent from claim 9).

[The examiner also recommends amending claim 18 to be dependent from claim 17 as claim 18 recites "a second set" and claim 17 recites "a first set".]

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9, 13, 14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Denz et al. (6,170,860).

Denz et al. disclose an air bag assembly comprising: an inflatable air bag (see Figure 6) comprising at least a first inflatable region (one, for example, is between hems 52) having a plurality of restrictions (52) located about at least a portion of the periphery of the inflatable region, the restrictions extending inwardly from respective locations proximate the periphery of the inflatable region, the restrictions configured to locally restrict the inflation of the inflatable region and configured to permit the inflatable region to achieve a maximum width in a region generally inboard of the restrictions. The air bag includes an inner and outer panel (see column 2, lines 29-33); the panels and joints are formed as an integrally woven part (see column 2, lines 45-51; see also Figure 3). An inlet (24) is formed along the periphery of the inflatable region. The panels are coated (see column 2, line 45). The airbag includes a plurality of inflatable regions (between 52; region 32, etc.). A first set of restrictions (50) is situated along a top of the inflatable region and are spaced from each other. A second set (52) along the bottom are misaligned relative to the first set.

6. Claims 1, 4, 6-8, 10, 13-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. (2003/0132624).

Hall et al. disclose an air bag assembly comprising: an inflatable air bag (see Figure 1) comprising at least a first inflatable region having a plurality of restrictions (unnumbered, shown in Figure 1) located about at least a portion of the periphery of the inflatable region, the restrictions extending inwardly from respective locations proximate the periphery of the inflatable region, the restrictions configured to locally restrict the inflation of the inflatable region and configured to permit the inflatable region to achieve a maximum width in a region generally inboard of the restrictions. The assembly includes an inlet (76) along the periphery.

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The airbag includes a plurality of inflatable regions (50, 52, 54, 56, etc). The airbag includes a non-inflatable region (between 52 and 54). As seen in Figure 1, the restrictions terminate in a stress reducing structure.

7. Claims 1, 4, and 6-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Niederman et al. (6,338,498).

Niederman et al. disclose an air bag assembly comprising: an inflatable air bag (see Figure 2) comprising at least a first inflatable region (64; see Figure 3) having a plurality of restrictions (56) located about at least a portion of the periphery of the inflatable region, the restrictions extending inwardly from respective locations proximate the periphery of the inflatable region, the restrictions configured to locally restrict the inflation of the inflatable region and configured to permit the inflatable region to achieve a maximum width in a region generally inboard of the restrictions. The airbag includes a non-inflatable region (base of larger portion 56). The restrictions terminate in a stress reducing structure (see longer portions 56). The assembly includes a first set of restrictions (70) at the top of the inflatable region; which are offset from the second set (56) at the bottom.

### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 3, and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Niederman et al. in view of Denz et al.

Niederman et al. is discussed above and fails to show the air bag including panels.

Denz et al. is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Niederman et al. with the teachings of Denz et al. to construct the air bag of inner and outer panels in order to provide a simple method of constructing the air bag.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webber et al. shows an airbag with restrictions. Neidert shows an airbag with restrictions. Hardig et al. shows an airbag with restrictions. Heigl shows an airbag with restrictions extending from the top of the bag.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal line extending to the right.

David Dunn  
Primary Examiner  
Art Unit 3616